

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 2, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-12121 - APPLICANT: RICHMOND AMERICAN HOME -
OWNER: DIRAK, LLC**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 7, 2006 CITY COUNCIL
MEETING AT THE REQUEST OF THE APPLICANT.***

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL. If approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-12118), Site Development Plan Review (SDR-12120) and Variance (VAR-13154).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.

**** STAFF REPORT ****

APPLICATION REQUEST

This application is a request for a Variance to allow an R-PD (Residential Planned Development) Zoning District on 4.98 acres where five acres is the minimum acreage required for property located at the northwest corner of Centennial Parkway and Thom Boulevard.

The following related applications will be considered concurrently: a Rezoning (ZON-12118) from R-E (Residence Estates) to R-PD8 (Residential Planned Development, 8 units per acre), a Site Development Plan Review (SDR-12120) for a 40 unit single family residential development and a Variance (VAR-13154) to allow 14,034 square feet of open space where 28,626 square feet is the minimum required.

EXECUTIVE SUMMARY

This project is a proposed 40 unit single family residential development on a 4.98-acre site. The applicant is seeking R-PD zoning as there is no applicable conventional zoning district that will facilitate the development. R-PD zoning includes a minimum site area of five acres, and the applicant is seeking relief from this standard.

BACKGROUND INFORMATION

A) Related Actions

05/11/06 The Planning Commission voted (7-0) to recommend denial for related items ZON-12118 and SDR-12120. The Planning Commission voted to STRIKE related item VAR-13154.

05/11/06 The Planning Commission voted (7-0) to recommend DENIAL (PC Agenda Item #26/ar).

B) Pre-Application Meeting

02/15/06 Staff explained the requirements for a variance.

C) Neighborhood Meetings:

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 4.98 Acres

B) *Existing Land Use*

Subject Property: Undeveloped
North: Single Family Dwellings
South: Right-of-way (Centennial Parkway and CC 215)
East: Shopping Center under construction
West: Undeveloped

C) *Planned Land Use*

Subject Property: ML (Medium Low Density Residential)
North: ML (Medium Low Density Residential)
South: ROW (Right of Way)
East: SC (Service Commercial)
West: ML (Medium Low Density Residential)

D) *Existing Zoning*

Subject Property: R-E (Residence Estates)
North: R-1 (Single Family Residential)
South: ROW (Right of Way)
East: under resolution of intent to C-1 (Limited Commercial)
West: R-E (Residence Estates)

E) *General Plan Compliance*

The subject site is designated for ML (Medium Low Density) land uses by the Centennial Hills Sector Map. The proposed zone change to R-PD8 would allow a maximum density of 8.49 dwelling units per acre, which is within the range permitted by the General Plan designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rancho/Charleston Study Area		
Kyle Canyon		
Rancho Corridor		
Bonanza Corridor		
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Rural Preservation Overlay District

The subject site is not within the Rural Preservation Overlay District, but is within 330 feet of a parcel that is located within the district. Title 19.06.150C states that “For any rezoning request for vacant property that is located within three hundred thirty feet of a parcel within the Overlay District, the City Council, for good cause shown, may approve a greater density or intensity of use than that which exists within the Overlay District”.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06.040 (A), the minimum site area that is eligible for rezoning to the R-PD zoning district is five acres. Any additional tract which contains less than the minimum site area, but which is contiguous to property previously zoned R-PD, may also be zoned R-PD by the City Council if it otherwise qualifies for the R-PD zoning designation. Both such properties must be owned by or be under the control of the same property owner.

The subject site is 4.98 acres and does not meet the minimum requirement for an R-PD zoning district.

B) General Analysis and Discussion

This application is one of four companion applications necessary to permit development on the subject property. Without the approval of this Variance, it is not possible for the property to develop in the manner proposed.

The request for a Rezoning for 8.04 dwelling units per acre density is not appropriate. The site plan as proposed does not reflect the intent of the R-PD Zoning District as it does not provide for a homogeneity of land use patterns. The surrounding area has developed as larger low-density-residential.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship attempting to overbuild the site. Alternative site design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 146 by City Clerk

APPROVALS 0

PROTESTS 15